

4082

In re the Estate of

F.O.

917

ARTHUR JOSEPH WALLER

died -

Nature of Grant

PROBATE

To whom made

ELIZABETH LYDIA WALLER

Place of Residence

SHANGHAI, CHINA

" " Death

- DITTO -

Occupation

-

Date of Will

17th JANUARY 1939

" " Death

1st SEPTEMBER 1939

" " Grant

2nd DECEMBER 1939

Sworn under

at £117. 15. 3.

8C

630

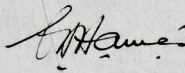
3878

BE IT KNOWN that on the 2nd day of December, 1939, the last Will (a copy whereof is hereto annexed) of Arthur Joseph Waller deceased, who died on the 1st day of September 1939, at Shanghai China, was proved and registered in this Court; and that the administration of all the property of the said deceased in China was granted by this Court to Elizabeth Lydia Waller the sole executrix named in the said Will.

AND IT IS HEREBY CERTIFIED that the sum of \$72.00 (the equivalent of £1:11:6 at exchange 5½d. to the Dollar) being a fee in accordance with the value of the estate has been paid to this Court under H.B.M. Supreme Court Fee Table.

AND IT IS HEREBY FURTHER CERTIFIED that an affidavit has been delivered wherein it is shown that the gross value of the said estate in China (exclusive of what the deceased may have been possessed of or entitled to as a trustee and not beneficially) amounts to \$12,285.49 and that the value of the permissible deductions therefrom amounts to \$5105.53

SWORN at £117:15:3 and that
the Testator died on the 1st
day of September 1939.


Registrar.

A Schedule of property in China stated to be owned by the deceased is annexed hereto.

This is the last Will and Testament of me ARTHUR JOSEPH WALLER of Shanghai, China, I direct that all my just Debts and Funeral and Testamentary Expenses be paid and satisfied by my Executrix herein-after named, as soon as conveniently may be after my decease. I give, devise, and bequeath to my wife Elizabeth Lydia Waller all and every my Household Furniture, Linen, and Wearing Apparel, Books, Plate, Pictures, China, Horses, Carts, and Carriages, and also all and every Sum or Sums of Money which may be found in my House or be about my person or due to me at the time of my decease, and also all my Stocks, Funds, and Securities for Money, Book Debts, Money on Bonds, Bills, Notes, or other Securities, and all and every other of my Estate and Effects whatever and whatsoever, both Real and Personal, whether in Possession or Reversion, Remainder or Expectancy, unto Elizabeth Lydia Waller to and for her own use and benefit absolutely. And I nominate, constitute, and appoint my wife Elizabeth Lydia Waller to be Executrix of this my Will; and hereby revoking all former or other Wills and Testaments by me at any time heretofore made, I declare this to be my last Will and Testament. In Witness whereof, I the said Arthur Joseph Waller have to this my last Will and Testament set my Hand the Seventeen day of January in the year of our Lord One Thousand Nine Hundred and thirty-one. sd/. ARTHUR J. WALLER. Signed, sealed, published, and declared, as and for the last Will and Testament of the said ARTHUR JOSEPH WALLER in the presence of us, who in his presence

and in the presence of each other, all being present at
the same time, have hereunto set our hands as Witnesses
thereto, on the day of the date written.

sd/. ALFRED E. GLOVER

sd/. illegible

Schedule of the property of the deceased in respect of which fees have been paid.

PERSONAL PROPERTY

Gross value at date of death.

\$. cts.

Directors Fees Tls 500 per year March 1st - August 31st, 1939	349. 65
* Bonus for the year ended February 28th 1939	1,122. 41
1253 Shares in Kelly & Walsh Ltd. @ \$10.00 each Stock Exchange quotation on Saturday September 2nd \$14.25 per share	17,855. 25
	<hr/> 19,327. 31

Less overdraft with the Hongkong & Shanghai Banking Corporation at September 1st 1939, secur- ed by 1253 Kelly & Walsh Ltd. Shares at \$10.00 each	7,043. 82
	<hr/>

<u>Gross Personalty</u>	\$ 12,283. 49
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Real Estate:

- * 1 1 -

GROSS PERSONALTY	\$12,283.49
	<hr/>

GROSS ESTATE	\$12,283.49
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LESS DEBTS	\$ 5,105.53
	<hr/>

NETT ESTATE FOR DUTY	\$ 7,177.96
	<hr/> <hr/>



In His Britannic Majesty's Supreme Court
at Shanghai.

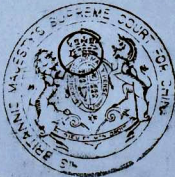
PROBATE JURISDICTION.

SHANGHAI, MONDAY the 20th day of NOVEMBER 1935

CITATION FOR PROBATE.

In the goods of ARTHUR JOSEPH WALLER deceased.

In virtue of an order of His Majesty's said Court, bearing date this day, I do hereby
monish and cite all and all manner of persons to appear in the said Court in ten days
from the date hereof, and show cause, if any they have, why the last will and testament
of ARTHUR JOSEPH WALLER deceased, should not be proved,
approved, and registered, and letters executorial thereof granted to ELIZABETH
LYDIA WALLER His sole executrix, named therein, as, in default thereof, the Court
will proceed to grant the same accordingly.



B. H. Jones
Registrar.

H. B. M. SUPREME COURT FOR CHINA,
SHANGHAI,

Dear Sir
Madam,

Number 25' 1141

re Arthur Joseph Walker deceased.

The Court fees payable in this matter amount to
\$ 95.00 or £ 2-11-6. at 5 $\frac{1}{4}$ the official
rate of exchange for the current month.

Details of this sum are as follows :—

	£	s.	d.	\$
Petition				
Oath				
Particulars of Estate				
Filing will				
Filing copy of grant ^{Supp.}		10	0	23.00
Filing power of attorney				
Filing bond				
Certificate				
Ad Valorem fee		1	11-6.	72.00
Interest thereon at 7%				
TOTAL	£	2-11-6.		\$ 95.00

I have to request that you will now forward to this Court the
sum of \$ 95.00 Any delay in payment may necessitate a
recalculation of the interest due.

Yours faithfully,

Elizabeth Walker

Chief Clerk.

Elizabeth Walker

THE WILL OF
ARTHUR JOSEPH WALLER

Deposited by Mrs Waller
Sept. 6th 1888.



In His Britannic Majesty's Supreme Court
at Shanghai.

PROBATE JURISDICTION.

20¹
SHANGHAI

the

~~17th~~

day of

NOVEMBER

1939.

OATH FOR EXECUTOR.

In the goods of ARTHUR JOSEPH WALLER deceased.

I, ELIZABETH LYDIA WALLER, of HOUSE 8, LANE 419

YU YUEN ROAD SHANGHAI make oath and say as follows:

1.—I believe the paper writing hereto
annexed and marked by me* to contain the true and original last will and Testament
..... of ARTHUR JOSEPH WALLER
late of SHANGHAI deceased.

2.—I am ELIZABETH LYDIA WALLER therein named
EXECUTRIX

3.—I will faithfully administer the personal property of the testator by paying his
just debts and the legacies given by him will
..... so far as his personal property shall extend and
the law bind me.

4.—I will exhibit an inventory, and render an account of my executorship whenever lawfully required.

5.—The testator died at SHANGHAI on the FIRST day of SEPTEMBER 1939.

6.—At the time of his death he had his fixed place of abode at House 8, Lane 419 YU YUEN ROAD within the district of this Court.

7.—The whole of his personal property does not amount in value to the sum of pounds to the best of my knowledge information and belief.

Sworn at

20 day of November 1939

C. L. Waller

Before me,

Officer

L.S.

* Each testamentary paper is to be marked by the person sworn and the person administering the oath.

Where more executors than one are appointed, and all are not sworn, a memorandum should be made in the margin of the oath that power is to be reserved to the other executors or executor or that they have or he has renounced.



In His Britannic Majesty's Supreme Court
for China.

PROBATE JURISDICTION.

In the goods of ARTHUR JOSEPH WALLER deceased.

The humble petition of ELIZABETH LYDIA WALLER
of House 8, Lane 419, Yu Yuen Road, Shanghai.

Sheweth :

1.—That the said ARTHUR JOSEPH WALLER, late of
House 8, Lane 419, Yu Yuen Road, Shanghai, made his last will and testament
dated the 17th day of January, 1931, duly
executed and attested, and thereof appointed your petitioner execut

2.—That the said testator died in Country Hospital, on the
First day of September, 1939, without revoking or
altering his said will.

3.—The said testator left estate and effects, rights and credits within the
jurisdiction of this Court, and your petitioner is desirous to obtain probate of
the said will.

[Your

Your petitioner humbly prays that probate of the said will of the said testat or
may be granted to her, and that such will may be approved and registered in
the usual manner.

And your petitioner will ever pray, etc.

E. L. Waller

20 day of November 1911

Form for Grant of Probate

BE IT KNOWN that on the 2nd day of January 1939,
the last Will (a copy whereof is hereto annexed) of

Arthur Joseph Waller deceased,
who died on the 1st day of September 1938, at

Shanghai, was proved and registered in
this Court; and that the administration of all the property
of the said deceased in China was granted by this Court to

Elizabeth Lydia Waller his sole Executrix
named in the said Will.

AND IT IS HEREBY CERTIFIED that the sum of \$ 72.00
(the equivalent of £ 1.11.6 at exchange 5 1/4 to the
Dollar) being a fee in accordance with the value of the
estate (has) ~~and the sum of \$~~ the equivalent
~~of \$~~ at the same exchange being interest thereon
~~calculated from the~~ day of 1938 have
been paid to this Court under H.B.C. Supreme Court Fee Table.

AND IT IS HEREBY FURTHER CERTIFIED that an affidavit has
been delivered wherein it is shown that the gross value of
the said estate in China (exclusive of what the deceased may
have been possessed of or entitled to as a trustee and not
beneficially) amounts to \$ 12,283.49 and that the
value of the permissible deductions therefrom amounts to
\$ 5105.53

SWORN at \$ 17.15.3 and that
the Testator died on the 1st
day of Sept. 1938

Registrar

A Schedule of property in China stated to be owned by the
deceased is annexed hereto.

E.L.W. OK

This is the last WILL and TESTAMENT of me

Arthur Joseph Waller
of Shanghai, China.

I direct that all my just Debts and Funeral and Testamentary Expenses be paid and satisfied by my Execut^{rix} herein-after named, as soon as conveniently may be after my decease. I give, devise, and bequeath *to my wife*

Elizabeth Lydia Waller

all and every my Household Furniture, Linen, and Wearing Apparel, Books, Plate, Pictures, China, Horses, Carts, and Carriages, and also all and every Sum or Sums of Money which may be found in my House. or be about my person or due to me at the time of my decease, and also all my Stocks, Funds, and Securities for Money, Book Debts, Money on Bonds, Bills, Notes, or other Securities, and all and every other of my Estate and Effects whatever and whatsoever, both Real and Personal, whether in Possession or Reversion, Remainder or Expectancy, unto

Elizabeth Lydia Waller

to and for *her* own use and benefit absolutely. And I nominate, constitute, and appoint *my wife*

Elizabeth Lydia Waller

to be Execut^{rix} of this my WILL; and hereby revoking all former or other WILLS and TESTAMENTS by me at any time heretofore made, I declare this to be my last WILL and TESTAMENT. In Witness whereof, I the said

Arthur Joseph Waller

have to this my last WILL and TESTAMENT set my Hand the *Seventeen* day of *January* in the year of our Lord One Thousand Nine Hundred and *thirty-one*

[Testator's Signature]

Arthur J. Waller

Signed, sealed, published, and declared, as and for the last WILL and TESTAMENT of the said

Arthur Joseph Waller

in the presence of us, who in his presence and in the presence of each other, all being present at the same time, have hereunto set our hands as WITNESSES thereto, on the day of the date written.

[Signatures of Witnesses]

Alfred E. Glover

W. J. J. J.



m H. T. Waller dnd.

Indexed

11th December, 1939.

Dear Madam,
re ARTHUR JOSEPH WALLER deceased.

I enclose herewith Grant of Probate in
respect of the estate of the above named
deceased.

Kindly acknowledge receipt in due course.

Yours faithfully,



for Registrar.

Mrs. E.L. Waller,
House, 8, Lane 419,
Yu Yuen Road,
SHANGHAI

IN HIS BRITANNIC MAJESTY'S SUPREME COURT FOR
CHINA AT SHANGHAI.

20th
18th November 1939.

In the matter of **ARTHUR JOSEPH WALLER** ; deceased.

Here say:—
"Probate is" or
"Letters of Ad-
ministration are"

Account of particulars of all the estate of the above named deceased in respect
of which **Probate is**

to be granted, and of the estimated value of such particulars

PERSONAL PROPERTY.

Gross value at date of death. 1.9.39
\$ cts.

Directors Fees Tls 500 per year March 1st - August 31st 1939. \$ 349.65

Bonus for the year ended February 28th 1939 1122.41

1253 Shares in Kelly & Walsh Ltd. @ \$10.00 each
Stock Exchange quotation on Saturday September 2nd
\$14.25 per share. 17855.25

19327.31

Less overdraft with the Hongkong & Shanghai Banking
Corporation as at September 1st 1939, secured by
1253 Kelly & Walsh Ltd. Shares at \$10.00 each. 7043.82

62,883.31

\$12,283.49

Turn over and carry forward.

The following is a list of some of the principal items which should be included in these particulars:
Shares or Debentures of any Company having a Transfer Register in Shanghai. Dividends and Interest
declared and accrued due to date of application. Cash in House or on Person. Cash at Bank: 1, Current
account. 2, Deposit account. 3, Savings Bank. Money on Mortgage, Debts due to deceased. Household
Goods. Policies of Insurance. Goodwill of Business, Share of Partnership, Assets, Rents, Interest under
Settlements, etc.

\$ cts.

Brought forward

17th November 1931

Proposed in

Directors fees £100 per year March 1st - August 1st 1932 \$ 849.66

Bonus for the year ended February 28th 1932 1132.41

Gross Personality

REAL ESTATE.

\$ cts.

1932.31

1932.31

\$ cts.

Gross Personality

,, Realty

12,283.49

62,732.21

Gross Estate Dollars

12,283.49

Less Debts Dollars

3,123.55

Nett Estate for Duty \$ 6,058.06

7,177.96

Dollars 7,177.96 @

= £ 117.

s. 15.

3 d.

LIST OF DEBTS DUE TO PERSONS, RESIDENT IN CHINA.

Name of Creditor.	Description of Debt.	\$	cts.
Dr. A. von Micrini.....	Medical.....	120.00	✓
Special Night Nurse (Miss F. Wen)...	Medical.....	84.00	✓
Dr. Med. Chite Shen.....	Medical.....	140.00	✓
Drs. Jackson, Dunn & Partners....	(Sept.1st,1939).....		✓
U.S.\$100.00 at exchange 6 1/4 -.....	(Medical).....	1600.00	✓
Drs. Jackson, Dunn & Partners...	(Oct.9th,1939)..Medical..	50.00	✓
Dr. Phil. A. Kessler.....	Medical.....	90.00	✓
The Country Hospital.....	Medical... (Sept,1st,1939.)	639.62	✓
The Country Hospital.....	Medical.... (July,24th,1939)	639.62	123.32 ✓
Dr. Bernhard Rosenberg.....	Medical.....	600.00	✓
Shanghai Voluntary Blood-Transfusion Service...	Medical...	50.00	✓
Medical Analysis Laboratory...(28th July 1939)	Medical...	12.00	✓
Medical Analysis Laboratory...(30th June 1939)	Medical...	32.00	✓
Medical Analysis Laboratory...(22nd July 1939)	Medical...	10.00	✓
Medical Analysis Laboratory...(31st August 1939)	Medical...	12.00	✓
The North China Daily News..	(Advertisement re Estate)....	24.00	✓
Messrs.Kelly & Walsh Ltd....	(As per statement attached)..	896.31	✓
The Palace Tobacco Store Ltd.	(As per statement attached)..	48.25	✓
The A.B.C. News Company.....	(As per receipt attached)....	20.94	✓
Messrs. A. S. Watson & Co....	(As per statement attached)..	24.40	✓
The British Flower Shop.....	(As per statement attached)..	5.00	✓
Messrs. Boyes, Bassett Ltd..	(As per statement attached)..	3.60	✓
Messrs. J. Llewellyn & Co....	(As per statement attached)..	21.00	✓
The China News Company.....	(As per statement attached)..	23.09	✓

Total debts

~~4899.58~~
4605.53

FUNERAL EXPENSES International Funeral
Directors, as per voucher
(Reasonable funeral expenses \$1343.00.....
only to be included)

500.00 ✓

\$ ~~5329.53~~

5124.53

Name of Applicant

(Elizabeth Lydia Waller)

Address House 8, Lane 419, Yu Yuen Road, Shanghai.

I **ELIZABETH LYDIA WALLER**
of **House 8, Lane 419, Yu Yuen Road, Shanghai,**
make oath and say that I am the person applying to this Court for **Probate**

of the above-named **ARTHUR JOSEPH WALLER** deceased, that
the foregoing particulars are a true account of the particulars and value, as at the date of the
deceased's death, of all the property of the deceased in China, and I make this affidavit having
regard to the provisions of Articles 6 and 7 of the Foreign Jurisdiction (Probates) Order in Council,
1935, which are printed below.

Sworn at Shanghai, the

23rd day of

March 1935 E. L. Waller

19 34 Before me,

C. J. Smith

THE FOREIGN JURISDICTION (PROBATES) ORDER IN COUNCIL, 1935.

6. (1) The estate of a deceased person shall, for the purposes of this Order, be deemed to include:—

(a) Any property (i) taken as a *donatio mortis causa* made by the deceased person; or (ii) taken under a disposition, made by him purporting to operate as an immediate gift *inter vivos* whether by way of transfer, delivery, declaration of trust or otherwise, which shall not have been *bona fide* made three years, or in the case of a gift for public or charitable purposes, one year, before the death of the deceased person; or (iii) taken under any gift by him whenever made, of which property *bona fide* possession and enjoyment shall not have been assumed by the donee immediately upon the gift and thenceforward retained to the entire exclusion of the donor or of any benefit to him by contract or otherwise; Provided that this paragraph shall not apply to any immediate gifts *inter vivos* which are made in consideration of marriage, or which are proved to the satisfaction of the Court to have been part of the normal expenditure of the deceased person and to have been reasonable having regard to the amount of his income or to the other circumstances of the case, or which in the case of any donee do not exceed in the aggregate one hundred pounds in value or amount;

(b) Any property, which the deceased person, having been absolutely entitled thereto, has caused to be transferred to or vested in himself and any other person or persons jointly, including therein any purchase or investment effected by such deceased person either by himself alone or in concert or by arrangement with any other person, so that the beneficial interest therein or in some part thereof passes or accrues by survivorship on his death to such other person;

(c) Any property passing under any past or future settlement, made by the deceased person by deed or any other instrument not taking effect as will, whereby an interest in such property, or the proceeds of sale thereof, for life or any other period determinable by reference to death, is reserved either expressly or by implication to the settlor, or whereby the settlor may have reserved to himself the right, by the exercise of any power, to restore to himself, or to reclaim the absolute interest in such property, or the proceeds of sale thereof, and the term "settlement" in this paragraph shall include any trust, whether expressed in writing or otherwise, but shall not include any settlement *bona fide* made for full consideration in money or money's worth.

(d) Money received under a policy of assurance effected by the deceased person on his life, where the policy was wholly kept up by him for the benefit of a donee, whether nominee or assignee, or a part of such money in proportion to the premiums paid by him, where the policy was partially kept up by him for such benefit.

(2) Subject to the foregoing provisions of this Article, the estate of a deceased person shall not include property held by the deceased as trustee for another person.

7. In arriving at the value of the estate, an allowance shall be made for reasonable funeral expenses and for debts and incumbrances due to persons resident within the limits of the Principal Order, and for debts and incumbrances due to persons resident outside those limits to the extent, to which it is shown to the satisfaction of the Court that the property of the deceased situate in the country in which the person to whom such debts are due resides, is insufficient for their payment, but an allowance shall not be made:—

(a) for any debt incurred by the deceased or incumbrance created by a disposition made by the deceased, unless such debt or incumbrance were incurred or created *bona fide* for full consideration in money or money's worth wholly for the deceased's own use and benefit and take effect out of his interest; nor

(b) for any debt in respect whereof there is a right to reimbursement from any other person or estate unless such reimbursement cannot be obtained; nor

(c) more than once for the same debt or incumbrances charged upon different portions of the property; nor

(d) for any debt charge on property of the deceased, not subject to the jurisdiction of the Court in matters of probate and administration, except to the extent that such property is insufficient to meet the charge.

Paid
Oct 20. 11. 31.

Arthur Joseph Waller died.

Paid	\$ 2.00	2 5 $\frac{1}{4}$	91.50
Oath	10.00	—	23.00
PHs	10.00	—	23.00
Hy Will	5.00	—	11.50
	<u>35.00</u>	—	<u>\$ 149.00</u>

demanded
21. 11. 31.
paid 24. 11. 31.

Supplement
5 for 24
Caval

	10.00	—	23.00
	1. 11. 6	—	72.00
	<u>2. 1. 6</u>	—	<u>\$ 95.00</u>

demanded
28. 11. 31.
paid 1. 12. 31.

dated will
7. 1. 31.

Order made
2. 12. 31

4052

$$\$7177.96 @ 3\frac{15}{16}$$

$$7000 = \begin{array}{r} 114 \\ 100 \end{array} \cdot 16 \cdot 10 \cdot 50$$

$$100 = \begin{array}{r} 1 \\ 100 \end{array} \cdot 12 \cdot 9 \cdot 75$$

$$70 = \begin{array}{r} 1 \\ 100 \end{array} \cdot 2 \cdot 11 \cdot 13$$

$$7 = \begin{array}{r} 2 \\ 100 \end{array} \cdot 3 \cdot 56$$

$$90 = \begin{array}{r} 3 \\ 100 \end{array} \cdot 54$$

$$6 = \begin{array}{r} 24 \\ 100 \end{array}$$

$$\begin{array}{r} 117.15 \cdot 3 \cdot 22 \\ \hline \end{array}$$

∴ 17. ad Val

$$= \$72.00$$

$$∴ \$71.77 @ 5\frac{1}{2}$$

$$70 = \begin{array}{r} 1 \\ 100 \end{array} \cdot 10 \cdot 7 \cdot 50$$

$$1 = \begin{array}{r} 5 \\ 100 \end{array} \cdot 25$$

$$70 = \begin{array}{r} 3 \\ 100 \end{array} \cdot 14$$

$$7 = \begin{array}{r} 37 \\ 100 \end{array}$$

$$\begin{array}{r} 1 \\ 100 \end{array} \cdot 11 \cdot 4 \cdot 80$$

$$= \$1.116 \checkmark$$

Date of death

1st Sept. 1831

no interest